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Report of the Legal Subcommittee on its fifty-third session, held in Vienna from 24 March to 4 April 2014

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I. Introduction

A. Opening of the session

1. The Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space held its fifty-third session at the United Nations Office at Vienna from 24 March to 4 April 2014. At its 878th meeting, on 24 March, Kai-Uwe Schrogl (Germany) was elected Chair for a two-year term of office, pursuant to General Assembly resolution 68/75.

2. The Subcommittee held 19 meetings.

B. Adoption of the agenda

3. At its 878th meeting, on 24 March, the Subcommittee adopted the following agenda:

1. Adoption of the agenda.
2. Election of the Chair.
3. Statement by the Chair.
4. General exchange of views.
5. Information on the activities of international intergovernmental and non-governmental organizations relating to space law.
6. Status and application of the five United Nations treaties on outer space.
7. Matters relating to:
   (a) The definition and delimitation of outer space;
   (b) The character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union.
8. National legislation relevant to the peaceful exploration and use of outer space.
9. Capacity-building in space law.
10. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.
11. General exchange of information and views on legal mechanisms relating to space debris mitigation measures, taking into account the work of the Scientific and Technical Subcommittee.
12. General exchange of information on non-legally binding United Nations instruments on outer space.
13. Review of international mechanisms for cooperation in the peaceful exploration and use of outer space.

14. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fifty-fourth session.

C. Attendance

4. Representatives of the following 57 States members of the Committee attended the session: Algeria, Argentina, Armenia, Austria, Belarus, Belgium, Bolivia (Plurinational State of), Brazil, Burkina Faso, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czech Republic, Ecuador, Egypt, France, Germany, Greece, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Japan, Kazakhstan, Kenya, Lebanon, Libya, Malaysia, Mexico, Netherlands, Nicaragua, Nigeria, Pakistan, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Slovakia, South Africa, Spain, Sudan, Switzerland, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of) and Viet Nam.

5. The Subcommittee decided to invite, at their request, observers for the Dominican Republic, El Salvador, Luxembourg, Panama and the United Arab Emirates to attend the session and to address it, as appropriate, on the understanding that it would be without prejudice to further requests of that nature and that doing so would not involve any decision of the Committee concerning status.

6. The Subcommittee also decided to invite the observer for the European Union, at its request, to attend the session and to address it, as appropriate, on the understanding that it would be without prejudice to further requests of that nature and that doing so would not involve any decision of the Committee concerning status.

7. Observers for the Economic and Social Commission for Western Asia and the International Telecommunication Union (ITU) attended the session.

8. The session was attended by observers for the following intergovernmental organizations having permanent observer status with the Committee: Asia-Pacific Space Cooperation Organization (APSCO), European Space Agency (ESA), European Telecommunications Satellite Organization, International Mobile Satellite Organization and International Organization of Space Communications (Intersputnik). The observer for the International Institute for the Unification of Private Law (Unidroit) also attended the session.

9. The session was also attended by observers for the following non-governmental organizations having permanent observer status with the Committee: European Centre for Space Law (ECSL), European Space Policy Institute (ESPI), Ibero-American Institute of Aeronautic and Space Law and Commercial Aviation, International Association for the Advancement of Space Safety (IAASS), International Institute of Space Law (IISL), International Law Association (ILA), Secure World Foundation and Space Generation Advisory Council (SGAC).

10. The Subcommittee had before it information concerning the application of Luxembourg for membership in the Committee (A/AC.105/C.2/2014/CRP.3).

11. The Subcommittee also had before it information concerning the request of the African Association of Remote Sensing of the Environment for observer status with the Committee (A/AC.105/C.2/2014/CRP.4).

12. A list of the representatives of States, United Nations entities and other international organizations attending the session is contained in document A/AC.105/C.2/2014/INF/46.

D. Symposium

13. On 24 March, IISL and ECSL held a symposium on the theme "Regulatory needs for very small satellites", which was co-chaired by Tanja Masson-Zwaan of IISL and Sergio Marchisio of ECSL. A welcome statement was made by the Chair of the Subcommittee. The Subcommittee heard the following presentations during the symposium: "Status and overview on very small satellites: definition, purposes and projects", by Abe Bonnema; "Small satellites for scientific-technical development and capacity-building", by Lulu Makapela; "International space law and authorization at the national level", by Philippe Achilleas; "Frequency management at the international and national levels", by Yvon Henri; "Requirements for debris mitigation", by Christophe Bonnal and "A best practice case study", by Otto Koudelka. Concluding remarks were made by the co-chairs of the symposium and the Chair of the Subcommittee. The papers and presentations delivered during the symposium were made available on the website of the Office for Outer Space Affairs of the Secretariat (www.unoosa.org/oosa/en/COPUOS/lsc/2014/symposium.html).

14. The Subcommittee noted with appreciation that the symposium had constituted a valuable contribution to its work.

E. Adoption of the report of the Legal Subcommittee

15. At its 896th meeting, on 4 April, the Subcommittee adopted the present report and concluded the work of its fifty-third session.

II. General exchange of views

16. Statements were made by representatives of the following States members of the Committee during the general exchange of views: Algeria, Argentina, Austria, Belgium, Brazil, Burkina Faso, Canada, Chile, China, Colombia, Cuba, Czech Republic, France, Germany, India, Indonesia, Iran (Islamic Republic of), Italy, Japan, Libya, Mexico, Nigeria, Poland, Republic of Korea, Russian Federation, South Africa, Ukraine, United States, Venezuela (Bolivarian Republic of) and Viet Nam. The observers for ESA, ESPI and SGAC also made statements. A statement was made by Nicaragua on behalf of the Group of Latin American and Caribbean States.

17. The Subcommittee welcomed the election of Kai-Uwe Schrogl (Germany) as its Chair for the period 2014-2015 and expressed its appreciation to the outgoing

Chair, Tare Charles Brisibe (Nigeria), for furthering the work of the Subcommittee during his term of office.

18. The Subcommittee also welcomed Simonetta Di Pippo, the new Director of the Office for Outer Space Affairs.

19. At the 878th meeting, on 24 March, the Chair made a statement in which he highlighted the programme of work and organizational matters of the Subcommittee at its current session.

20. At the same meeting, the Director of the Office for Outer Space Affairs made a statement in which she reviewed the role of the Office in discharging the responsibilities of the Secretary-General under the United Nations treaties on outer space, including the maintenance of the Register of Objects Launched into Outer Space, as well as the role and work of the Office relating to capacity-building in space law. The Director also introduced the proposed strategic framework for the programme on the peaceful uses of outer space for the period 2016-2017 (A/69/6 (Prog. 5)) and provided the Subcommittee with an update on the plans of the Office to mark the International Day of Human Space Flight in 2014.

21. The Subcommittee observed a minute of silence to mark the passing of Vladimír Kopal of the Czech Republic, who had been a long-standing contributor to the work of the Committee and to the progressive development of international space law.

22. The Subcommittee welcomed the statement delivered by the Chair of the Working Group on the Long-term Sustainability of Outer Space Activities of the Scientific and Technical Subcommittee. The statement was delivered in accordance with the agreement of the Committee at its fifty-sixth session that the Legal Subcommittee should be informed of the progress achieved by the Working Group in the period leading up to and during the fifty-first session of the Scientific and Technical Subcommittee.

23. Some delegations recalled the adoption of General Assembly resolution 68/74 on recommendations on national legislation relevant to the peaceful exploration and use of outer space and noted that the resolution provided a good basis on which to build discussions.

24. Some delegations expressed the view that the existing international legal framework governing outer space activities enabled States, including developing countries, to benefit from activities conducted in outer space, and that it was essential to focus on encouraging universal adoption and full adherence to the United Nations legal instruments on outer space and their implementation by States parties.

25. Some delegations reiterated the importance of the existing treaties on outer space and emphasized the following principles: equal and non-discriminatory access to outer space and equal conditions for all States, irrespective of their level of scientific and technical development, as well as the equitable and rational use of outer space; non-appropriation of outer space, including the Moon and other celestial bodies, by claim of sovereignty, use, occupation or any other means; non-militarization of outer space and its exploitation strictly for peaceful purposes; and regional cooperation to promote space activities.

26. Some delegations reiterated the importance of further development of the international legal regime based on the existing treaties and principles, as well as looking into the possibility of developing new instruments, as appropriate, to ensure greater transparency and confidence-building in the conduct of space activities, in a manner that allowed all nations to benefit from space activities, taking into particular account the interests of developing countries.

27. Some delegations expressed the view that in order to harmonize the multilateral regime governing activities in outer space with new scientific and technological advances, it was necessary to review, update and strengthen the five United Nations treaties on outer space with a view to invigorating the principles that govern the space activities of States, strengthening international cooperation and making space technology accessible to the people.

28. The view was expressed that a universal comprehensive convention on outer space should be developed, with the aim of finding solutions for existing issues while fully respecting the fundamental principles incorporated in the existing United Nations treaties on outer space.

29. Some delegations expressed the view that it was crucial to have closer cooperation and coordination of the work of the Legal Subcommittee and that of the Scientific and Technical Subcommittee so as to facilitate the legal review of scientific and technological developments and with a view to promoting the development of binding international norms addressing critical issues such as long-term sustainability of outer space, space debris and the use of nuclear power sources in outer space.

30. The view was expressed that the role of the Legal Subcommittee should be strengthened so that it could properly address current legal challenges in the space arena and that the proposal of Germany on the reorganization of the work of the Subcommittee was a welcome development towards making the work of the Subcommittee more effective.

31. Some delegations expressed concern about an arms race in outer space and noted that current gaps in the legal regime on outer space made it necessary to have a more comprehensive legal regime to prevent the militarization of outer space.

32. The Subcommittee expressed its gratitude to the organizers of the following events held on the margins of the current session of the Subcommittee:

(a) Seminar entitled "International mechanisms for cooperation in space exploration: a discussion of current and future mechanisms", organized by Japan, Canada and the United States;

(b) Meeting on "Earth observation data as the source and the keeper of regulation", hosted by ESPI;

(c) Conference on "Small satellites: chances and challenges", organized by the Faculty of Law of the University of Vienna.

III. Information on the activities of international intergovernmental and non-governmental organizations relating to space law

33. Pursuant to General Assembly resolution 68/75 the Subcommittee considered agenda item 5, entitled "Information on the activities of international intergovernmental and non-governmental organizations relating to space law", as a regular item on its agenda.

34. Under agenda item 5, statements were made by the observers for ECSL, IISL, ILA, Intersputnik and Unidroit.

35. For its consideration of the item, the Subcommittee had before it the following:

(a) Note by the Secretariat containing information on activities relating to space law received from ILA (A/AC.105/C.2/104);

(b) Conference room paper containing information on activities relating to space law received from Intersputnik and ECSL (A/AC.105/C.2/2014/CRP.21).

36. The Subcommittee noted with satisfaction that the activities of international intergovernmental and non-governmental organizations relating to space law had continued to contribute significantly to the study, clarification and development of space law and that those organizations had continued to organize numerous conferences and symposiums, prepare publications and reports and organize training seminars for practitioners and students, all of which were intended to broaden and advance knowledge of space law.

37. The Subcommittee noted that international intergovernmental organizations had an important role to play in the development, strengthening and furtherance of understanding of international space law.

38. The Subcommittee welcomed the information provided by the observer for IISL on its activities relating to space law, including on the outcomes of the final round of the 2013 Manfred Lachs Space Law Moot Court Competition, held on 26 September 2013 in Beijing, and the eighth Eilene M. Galloway Symposium on Critical Issues in Space Law, held on 5 December 2013 in Washington, D.C., and information on its upcoming 57th Colloquium on the Law of Outer Space, to be held from 29 September to 3 October 2014 in Toronto, Canada.

39. The Subcommittee welcomed the information provided by the observer for ECSL on its activities relating to space law, including information on the 2014 ECSL Practitioners' Forum, held in Paris on 14 March, the outcome of the ECSL Summer Course on Space Law and Policy, held from 2 to 13 September 2013 in Klosterneuburg, Austria, and the preparations for the twenty-third session of the summer course, to take place in Geneva in September 2014 (see A/AC.105/C.2/2014/CRP.21).

40. The Subcommittee welcomed the information provided by the observer for Intersputnik on its activities relating to space law (see A/AC.105/C.2/2014/CRP.21), and noted its participation in the discussions in the Russian Federation on new regulations concerning radio frequencies and satellite communications.

41. The Subcommittee welcomed the information provided by the observer for ILA on its activities relating to space law (see A/AC.105/C.2/104), including information on the forthcoming seventy-sixth ILA Biennial Conference, organized jointly with the American Society of International Law, to be held in Washington, D.C., from 7 to 12 April 2014.

42. The Subcommittee noted with appreciation the recommendation made by APSCO that an APSCO research centre for space law and policy should be established.

43. In accordance with the decision of the Subcommittee at its fifty-second session, in 2013 (A/AC.105/1045, para. 183), the observer for Unidroit made a statement on 31 March, in which he apprised the Subcommittee of recent developments in relation to the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Space Assets. The Subcommittee noted that the Secretary-General of ITU continued to express interest in the possibility for ITU to accept the role of supervisory authority, subject to final approval by the governing bodies of ITU. The Subcommittee also noted that the Preparatory Commission for the Establishment of the International Registry for Space Assets, acting as the Provisional Supervisory Authority of the future international registry, had successfully held two sessions, in May 2013 and January 2014. The Preparatory Commission had discussed and approved in principle the first draft of regulations for the future international registry for space assets and agreed to discuss a finalized version in time for the session of the ITU Council and the Plenipotentiary Conference to be held in 2014.

44. The Subcommittee agreed that it was important to continue the exchange of information on recent developments in the area of space law between the Subcommittee and international intergovernmental and non-governmental organizations and that such organizations should once again be invited to report to the Subcommittee, at its fifty-fourth session, on their activities relating to space law.

45. The Subcommittee agreed that the representative of Unidroit should be invited to update the Subcommittee on developments relating to the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Space Assets at its fifty-fourth session.

IV. Status and application of the five United Nations treaties on outer space

46. Pursuant to General Assembly resolution 68/75, the Subcommittee considered agenda item 6, entitled "Status and application of the five United Nations treaties on outer space", as a regular item on its agenda.

47. The representatives of Austria, Belgium, Brazil, Mexico, the Netherlands, the Republic of Korea, the Russian Federation, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 6. A statement was also made by the representative of Chile on behalf of the Group of Latin American and Caribbean States. During the general exchange of views, statements relating to the item were also made by representatives of other member States.

48. At its 878th meeting, on 24 March, the Subcommittee reconvened its Working Group on the Status and Application of the Five United Nations Treaties on Outer Space under the chairmanship of Jean-François Mayence (Belgium). At its 894th meeting, on 3 April, the Subcommittee endorsed the report of the Chair of the Working Group, contained in annex I to the present report.

49. The Subcommittee had before it the following:

(a) United Nations Treaties and Principles on Outer Space, related General Assembly resolutions and other documents (ST/SPACE/61/Rev.1);

(b) Conference room paper on the status of international agreements relating to activities in outer space as at 1 January 2014 (A/AC.105/C.2/2014/CRP.7);

(c) Note by the Secretariat containing a set of questions provided by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space (A/AC.105/C.2/2014/CRP.16);

(d) Note by the Secretariat containing responses to the set of questions provided by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space received from Germany (A/AC.105/C.2/2014/CRP.17) and the Russian Federation (A/AC.105/C.2/2014/CRP.18 and Corr.1);

(e) Note by the Secretariat containing the contribution of Turkey to the fifty-third session of the Legal Subcommittee (A/AC.105/C.2/2014/CRP.26);

(f) Conference room paper presenting an overview by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space on the responses from member States and permanent observers of the Committee to the set of questions provided by the Chair in conference room paper A/AC.105/C.2/2013/CRP.12 (A/AC.105/C.2/2014/CRP.22).

50. The Subcommittee noted that, as at 1 January 2014, the status of the five United Nations treaties on outer space was as follows:

(a) The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (Outer Space Treaty) had 103 States parties and had been signed by 25 additional States;

(b) The Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space had 94 States parties and had been signed by 24 additional States; two international intergovernmental organizations had declared their acceptance of the rights and obligations established under the Agreement;

(c) The Convention on International Liability for Damage Caused by Space Objects (Liability Convention) had 91 States parties and had been signed by 22 additional States; three international intergovernmental organizations had declared their acceptance of the rights and obligations established under the Convention;

(d) The Convention on Registration of Objects Launched into Outer Space had 60 States parties and had been signed by 4 additional States; two international

intergovernmental organizations had declared their acceptance of the rights and obligations established under the Convention;

(e) The Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (Moon Agreement) had 15 States parties and had been signed by 4 additional States.

51. The Subcommittee welcomed reports from Member States regarding their progress towards becoming parties to the five United Nations treaties on outer space, in developing national space laws and in concluding bilateral and multilateral agreements on space cooperation.

52. Some delegations expressed the view that the United Nations treaties on outer space represented a solid and sufficient legal structure that was crucial for supporting the increasing scale of space activities and strengthening international cooperation in the peaceful uses of outer space. Those delegations welcomed further adherence to the treaties and urged those States that had not yet become parties to the treaties to consider doing so.

53. Some delegations expressed the view that it was necessary to review, update and strengthen the five United Nations treaties on outer space with a view to invigorating the guiding principles that govern the space activities of States, strengthening international cooperation and making space technology available to all people. Those delegations were of the view that such reviewing and updating should not undermine the fundamental principles underlying the existing legal regime, but should enrich and further develop those principles.

54. Some delegations expressed the view that the five United Nations treaties on outer space were a basis for the regulation of the participation and the responsibility of both Governments and non-governmental organizations and that they strengthened the safety and security of space activities. Those delegations were of the view that the legal regime governing activities in outer space should ensure that space research and space activities benefit the quality of life and well-being of human beings and the prosperity of current and future generations.

55. Some delegations expressed the view that a universal, comprehensive convention on outer space should be developed with the aim of finding solutions for existing issues, which would allow the international legal regime on outer space to be taken to the next level of its development.

56. Some delegations expressed the view that the Subcommittee had a pivotal role in the further development of the international legal regime governing the activities of States in the exploration and use of outer space, in particular in view of the increased commercialization and heightened pace of outer space activities and the increased participation of actors conducting activities in outer space.

57. Some delegations expressed the view that in the light of current developments in space activities, specifically regarding commercialization, privatization and space safety, the application of the existing treaties on outer space should be constantly analysed and reviewed to ensure the relevance of the current space law regime to the level of development in space activities.

58. The view was expressed that while a State had responsibility under article VI of the Outer Space Treaty, it did not mean that the State was liable under article VII

of that Treaty or under the Liability Convention for damage caused by a space object owned or operated by an enterprise registered in that State, where the enterprise had requested that the launch should take place from a State other than the enterprise's State. The delegation expressing that view was also of the view that liability in such an instance could be appropriately allocated in a bilateral agreement between the enterprise's State and the State which had launched the space object.

59. Some delegations expressed the view that membership in the Committee on the Peaceful Uses of Outer Space should be conditional on the ratification of at least one of the United Nations treaties on outer space.

60. Some delegations expressed the view that to grant only parties to the treaties membership in the Committee would lead to a closed forum and would be contrary to the role of the Committee.

61. The view was expressed that there had been a recent tendency towards the development of non-legally binding instruments and that binding rules would better ensure the sustainability of and equitable access to the space environment for future generations.

62. The view was expressed that it was the mandate of the Legal Subcommittee to promote and establish international space law and that it was necessary to review and update the existing United Nations treaties on outer space, taking into account the view expressed in paragraph 53 of the present report.

63. The view was expressed that at the current time it was important to promote national space legislation rather than to consider new instruments in international law.

64. The view was expressed that the success of the Subcommittee in advancing the field of space law was a result of its ability to focus on practical problems and to seek to address any such problems through a consensus-based and results-oriented process. The delegation expressing that view was also of the view that the Subcommittee should, during its deliberations, aim to continue that tradition and to avoid focusing on theoretical rather than practical issues.

65. The view was expressed that conference room paper A/AC.105/C.2/2014/CRP.18 and Corr.1 included inaccuracies and unfounded characterizations of the space policy of another member State.

66. Some delegations expressed the view that the Moon Agreement, in all its aspects, should continue to be discussed by the Subcommittee in order for its provisions to be further clarified and understood.

67. Some delegations expressed the view that the Legal Subcommittee and the Scientific and Technical Subcommittee should strengthen their cooperation in matters relating to their respective agendas and working groups.

V. Matters relating to the definition and delimitation of outer space and the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union

68. Pursuant to General Assembly resolution 68/75, the Subcommittee considered, as a regular item on its agenda, agenda item 7, entitled as follows:

"Matters relating to:

"(a) The definition and delimitation of outer space;

"(b) The character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union."

69. The representatives of Belgium, Brazil, Indonesia, Mexico, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 7. A statement was also made by the representative of Chile on behalf of the Group of Latin American and Caribbean States. During the general exchange of views, statements relating to the item were also made by representatives of other member States and by Nicaragua on behalf of the Group of Latin American and Caribbean States.

70. At its 878th meeting, on 24 March, the Subcommittee reconvened its Working Group on the Definition and Delimitation of Outer Space under the chairmanship of José Monserrat Filho (Brazil). In accordance with the agreement reached by the Subcommittee at its thirty-ninth session and endorsed by the Committee at its forty-third session, the Working Group was convened to consider only matters relating to the definition and delimitation of outer space.

71. The Working Group held 4 meetings. The Subcommittee, at its 894th meeting, on 3 April, endorsed the report of the Chair of the Working Group, contained in annex II to the present report.

72. For its consideration of the item, the Subcommittee had before it the following:

(a) Note by the Secretariat on national legislation and practice relating to the definition and delimitation of outer space (A/AC.105/865/Add.14 and 15);

(b) Note by the Secretariat on questions on the definition and delimitation of outer space: replies from Member States (A/AC.105/889/Add.13 and 14);

(c) Note by the Secretariat on questions on suborbital flights for scientific missions and/or for human transportation (A/AC.105/1039/Add.2 and 3);

(d) Conference room paper on matters relating to the definition and delimitation of outer space: replies of the Russian Federation (A/AC.105/C.2/2014/CRP.6) and Uruguay (A/AC.105/C.2/2014/CRP.13);

(e) Conference room paper on the contribution of Turkey to the fifty-third session of the Legal Subcommittee (A/AC.105/C.2/2014/CRP.26);

(f) Conference room paper containing a summary of information on national practices and legislation of States with regard to the definition and delimitation of outer space (A/AC.105/C.2/2014/CRP.27).

73. The Subcommittee heard a presentation entitled "The definition and delimitation of outer space: the present need to determine where 'space activities' begin", by the observer for IAASS.

74. Some delegations expressed the view that scientific and technological progress, the commercialization of outer space, the participation of the private sector, emerging legal questions and the increasing use of outer space in general had made it necessary for the Subcommittee to consider the question of the definition and delimitation of outer space.

75. Some delegations expressed the view that the lack of a definition or delimitation of outer space created legal uncertainty concerning the applicability of air law and space law and that matters concerning State sovereignty and the boundary between airspace and outer space needed to be clarified in order to reduce the possibility of disputes among States.

76. The view was expressed that there was no need to seek a legal definition or delimitation of outer space and that States should continue to operate under the current framework, which presented no practical difficulties, until such time as there was a demonstrated need and a practical basis for developing a definition or delimitation of outer space.

77. The view was expressed that an agreement on a clear definition of the boundaries between outer space and airspace would allow the Committee and the Subcommittee to concentrate on developing and improving legal instruments that applied to activities that were not restricted to one single realm of space and would create the legal certainty that was needed to provide commercial operators with the necessary assurances to carry out their activities. The delegation that expressed that view was also of the view that if the Subcommittee failed to act, it might lose its leading role on the issue, and that would be tantamount to neglecting its mandate.

78. Some delegations expressed the view that the geostationary orbit — a limited natural resource clearly in danger of saturation — needed to be used rationally and should be made available to all States, irrespective of their current technical capacities. That would provide States with the possibility of having access to the geostationary orbit under equitable conditions, bearing in mind, in particular, the needs and interests of developing countries, as well as the geographical position of certain countries, and taking into account the processes of ITU and relevant norms and decisions of the United Nations.

79. Some delegations expressed the view that the geostationary orbit was part of outer space, that it was not subject to national appropriation by claim of sovereignty, by means of use or occupation or by any other means, including by means of use or repeated use, and that its utilization was governed by the Outer Space Treaty and ITU treaties.

80. The view was expressed that the geostationary orbit, as a limited natural resource clearly in danger of saturation, must be used rationally, efficiently, economically and equitably. That principle was deemed fundamental to safeguarding the interests of developing countries and countries with a certain geographical position, as set out in article 44, paragraph 196.2, of the Constitution of ITU, as amended by the ITU Plenipotentiary Conference held in Minneapolis, United States, in 1998.

81. The view was expressed that the utilization by States of the geostationary orbit on the basis of "first come, first served" was unacceptable and that the Subcommittee should therefore develop a legal regime guaranteeing equitable access to orbital positions for States, in accordance with the principles of peaceful use and non-appropriation of outer space.

82. The Subcommittee noted the information provided by the United States on the actions of that Government to further the use of the geostationary orbit and other uniquely situated orbits, such as the free provision of the signal from the Global Positioning System, information from the polar meteorological satellites of the National Oceanic and Atmospheric Administration of the United States and data from the geostationary operational environmental satellites. The Subcommittee also noted the cooperation of the Governments of Canada, France, the Russian Federation and the United States in the International Satellite System for Search and Rescue (COSPAS-SARSAT).

83. The view was expressed that special attention should be given to equitable access for all States to orbit-spectrum resources in geostationary orbit while recognizing their potential with respect to social programmes that benefited the most underserved communities, making educational and medical projects possible, guaranteeing access to information and communications technology and improving links to necessary sources of information in order to strengthen social organization, as well as promoting knowledge and the exchange thereof without commercial interests acting as intermediaries.

84. The view was expressed that the Subcommittee should consider developing a legal regime dedicated to the geostationary orbit, in accordance with the Outer Space Treaty, and that such a regime should take into account the needs of developing countries as well as the geographical characteristics of certain countries.

85. Some delegations expressed the view that, in order to ensure the sustainability of the geostationary orbit, it was necessary to keep that issue on the agenda of the Subcommittee and to explore it further, through the creation of appropriate working groups and legal and technical intergovernmental panels, as necessary. Those delegations were of the view that working groups or intergovernmental panels with technical and legal expertise should be established to promote equal access to the geostationary orbit, and called for a greater participation of ITU in the work of the Subcommittee under those matters.

VI. National legislation relevant to the peaceful exploration and use of outer space

86. Pursuant to General Assembly resolution 68/75, the Subcommittee considered agenda item 8, entitled "National legislation relevant to the peaceful exploration and use of outer space", as a regular item on its agenda.

87. The representatives of France, Japan, Mexico, Poland, South Africa, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 8. During the general exchange of views, statements relating to the item were made by representatives of other member States.

88. The Subcommittee had before it the following:

(a) Note by the Secretariat on the schematic overview of national regulatory frameworks for space activities (A/AC.105/C.2/2014/CRP.5);

(b) Conference room paper on the development of a system for legal regulation of space activities of the Russian Federation (A/AC.105/C.2/2014/CRP.14).

89. The Subcommittee heard the following presentations:

(a) "Developing a provisional draft of the Brazilian national legislation for space activities: a non-governmental initiative," by the representative of Brazil;

(b) "China's space regulations: registration and licensing", by the representative of China;

(c) "The Indonesian Space Act No. 21, year 2013", by the representative of Indonesia.

90. The Subcommittee welcomed the adoption by the General Assembly of resolution 68/74 on recommendations on national legislation relevant to the peaceful exploration and use of outer space. In that regard, the Subcommittee noted with satisfaction that the resolution was a result of successful cooperation and broad consensus among member States and that it provided for an excellent source of information and guidance for those States wishing to strengthen or develop their national space legislation.

91. The view was expressed that Assembly resolution 68/74 represented only the very condensed essence of what had been discussed throughout the years in the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space and that those discussions were equally important as they had enabled States to gain an understanding of existing national regulatory frameworks, share experiences on national practices and exchange information on national legal frameworks.

92. The Subcommittee noted various activities of member States in strengthening or developing their national space laws and policies, as well as in reforming or establishing governance of national space activities. In that connection, the Subcommittee also noted that those activities were aimed at improving management, increasing competitiveness, involving academia, better responding to challenges posed by the development of space activities and better implementing international obligations.

93. The Subcommittee noted the development of the African space policy, within the institutional framework of the African Union, which would guide the African presence in space-related endeavours, and that that exercise would assist African States to develop national space legislation in harmony with international space law principles, taking into account Assembly resolution 68/74.

94. The Subcommittee noted with satisfaction the increasing number of space-related international cooperation programmes and projects. In that connection, the Subcommittee noted the importance of the development of space legislation by States, as national regulatory frameworks played a significant role in regulating and promoting such cooperation activities.

95. The Subcommittee reiterated that it was important to take into account the increased level of commercial and private activities in outer space in the context of developing a national space-related regulatory framework, particularly with respect to the responsibilities of States regarding their national space activities.

96. The view was expressed that the authorization and monitoring of national space activities and the registration of space objects were essential, as they enabled States to have effective control of their national space activities and better respond to international responsibilities. The delegation expressing that view was also of the view that that was particularly important for ensuring, in the long term, the protection of the space environment and access to it by all States.

97. The Subcommittee agreed that it was important to continue to regularly exchange information on developments in the area of national space-related regulatory frameworks. In that regard, the Subcommittee encouraged Member States to continue to submit to the Secretariat texts of their national space laws and regulations and to provide updates and inputs for the schematic overview of national regulatory frameworks for space activities.

98. The Subcommittee requested the Secretariat to develop, in consultation with ITU, an information handout on issues related to registration, authorization, debris mitigation and frequency management with respect to small and very small satellites, for the benefit of space actors intending to operate such satellites.

99. The Subcommittee commended the Secretariat for its continuous work on the update of the schematic overview of national regulatory frameworks for space activities, as well as the update of its web-based database of national space legislation.

VII. Capacity-building in space law

100. Pursuant to General Assembly resolution 68/75, the Subcommittee considered agenda item 9, entitled "Capacity-building in space law", as a regular item on its agenda.

101. The representatives of Canada, China, France, Germany, Japan, South Africa, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 9. A statement was also made by the representative of Chile on behalf of the Group of Latin American and Caribbean States. During the general exchange

of views, statements relating to the item were also made by representatives of other member States.

102. The Subcommittee had before it the following:

(a) Conference room papers on actions and initiatives to build capacity in space law containing information submitted by Austria (A/AC.105/C.2/2014/CRP.9), Japan (A/AC.105/C.2/2014/CRP.10), Uruguay (A/AC.105/C.2/2014/CRP.11), the Russian Federation (A/AC.105/C.2/2014/CRP.12), Canada (A/AC.105/C.2/2014/CRP.19) and Armenia (A/AC.105/C.2/2014/CRP.20);

(b) Conference room paper containing the contribution of Turkey to the fifty-third session of the Legal Subcommittee (A/AC.105/C.2/2014/CRP.26);

(c) Conference room paper containing a directory of educational opportunities in space law (A/AC.105/C.2/2014/CRP.8).

103. The Subcommittee heard the following presentations made under the agenda item:

(a) "Education curriculum on space law", by the Office for Outer Space Affairs;

(b) "Japan's capacity-building in space law: recent progress", by the representative of Japan;

(c) "United Nations/China/APSCO workshop on space law: an invitation", by the representative of China.

104. The Subcommittee agreed that capacity-building, training and education in space law were of paramount importance to national, regional and international efforts to further develop the practical aspects of space science and technology, especially in developing countries, and to increase knowledge of the legal framework within which space activities were carried out. It was emphasized that the Subcommittee had an important role to play in that regard.

105. The Subcommittee noted with appreciation that a number of national, regional and international efforts to build capacity in space law were being undertaken by governmental and non-governmental entities. Those efforts included encouraging universities to offer modules on space law, providing fellowships for graduate and postgraduate education in space law, assisting in the development of national space legislation and policy frameworks, organizing workshops, seminars and other specialized activities to promote greater understanding of space law, providing financial and technical support for legal research, preparing dedicated studies, papers and publications on space law, supporting space law moot court competitions, supporting the participation of young professionals in regional and international meetings relating to space law, providing for training and other opportunities to build experience, and supporting entities dedicated to the study of and research relating to space law.

106. The Subcommittee noted that some Member States had provided financial assistance to enable students to attend the Manfred Lachs Space Law Moot Court Competition, held each year during the International Astronautical Congress. The Subcommittee further noted that the world finals of the competition in 2014 would

be held in Toronto, Canada, from 30 September to 2 October, during the annual Colloquium on the Law of Outer Space organized by IISL.

107. The Subcommittee noted with satisfaction the completion of the education curriculum on space law, which was timely in the light of the increasing interest of universities and other institutions to include courses on space law in their education programmes. The Subcommittee further concluded that the curriculum constituted a dynamic educational tool that could be easily used by educators from different professional backgrounds.

108. The Subcommittee also welcomed the web-based compilation of reading materials, accessible on the website of the Office for Outer Space Affairs, which would be updated as new or additional materials were identified.

109. The Subcommittee noted that the next step would be to work with the regional centres for space science and technology education, affiliated to the United Nations, to facilitate the introduction of the curriculum in their respective education programmes.

110. The Subcommittee requested the Office for Outer Space Affairs to have the curriculum translated into all official languages of the United Nations, in order to facilitate the use of the curriculum by the regional centres and developing countries and to strengthen capacity-building in space law.

111. The Subcommittee noted that the agenda item on the review of international mechanisms for cooperation in the peaceful exploration and use of outer space had great potential to further the contribution of the Subcommittee to capacity-building, as the discussions and exchange of information would be of practical value to States in setting up their space activities.

112. The Subcommittee noted that the regional centre for space science and technology education, affiliated to the United Nations, which was under development at Beihang University in Beijing, would provide countries in the Asia-Pacific region with further space law teaching and training opportunities.

113. The Subcommittee noted that the African Leadership Conference on Space Science and Technology for Sustainable Development had taken place in Accra from 3 to 5 December 2013, with a space law session focusing on capacity-building, legal aspects of space debris, obligations of States under international treaties on outer space and national legislation relevant to the peaceful exploration and use of outer space from an African perspective.

114. The Subcommittee noted with appreciation the support and contribution of the Office for Outer Space Affairs to the organization of the African Leadership Conference.

115. The Subcommittee noted with appreciation that the Office for Outer Space Affairs, together with the Government of China, the China National Space Administration and APSCO, had begun preparations for the United Nations workshop on space law, to be held in Beijing from 17 to 21 November 2014.

116. The Subcommittee noted that the workshops organized by the Office for Outer Space Affairs in cooperation with host countries were a valuable contribution to capacity-building in space law and international cooperation in the peaceful uses of outer space.

117. Some delegations expressed the view that the Office for Outer Space Affairs should continue exploring avenues of cooperation with national institutions and interregional organizations in order to promote capacity-building in space law.

118. Some delegations expressed the view that the Office for Outer Space Affairs should strengthen its efforts to support capacity-building in space law in the Latin American and Caribbean region, in particular through the organization of seminars or workshops.

119. The Subcommittee noted with satisfaction that the Office for Outer Space Affairs had updated the directory of opportunities for education in space law (A/AC.105/C.2/2014/CRP.8), including with information on available fellowships and scholarships, and agreed that the Office should continue to update the directory. In that connection, the Subcommittee invited member States to encourage contributions at the national level for the future updating of the directory.

120. The Subcommittee recommended that member States and permanent observers of the Committee should inform the Subcommittee, at its fifty-fourth session, of any action taken or planned at the national, regional or international level to build capacity in space law.

VIII. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space

121. Pursuant to General Assembly resolution 68/75, the Subcommittee considered agenda item 10, entitled "Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space", as a single issue/item for discussion.

122. The representatives of Indonesia, Mexico, the Netherlands, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 10. A statement was also made under the item by the representative of Chile on behalf of the Group of Latin American and Caribbean States. During the general exchange of views, statements relating to the item were also made by representatives of other member States.

123. The Subcommittee noted with satisfaction that the Safety Framework for Nuclear Power Source Applications in Outer Space (A/AC.105/934), adopted by the Scientific and Technical Subcommittee at its forty-sixth session, in 2009, and endorsed by the Committee at its fifty-second session, in 2009, had considerably advanced international cooperation in ensuring the safe use of nuclear power sources in outer space and had facilitated the development of international space law.

124. The Legal Subcommittee noted with satisfaction the extension of the multi-year workplan of the Working Group on the Use of Nuclear Power Sources in Outer Space to 2017 (A/AC.105/1065, annex II, para. 9).

125. Some delegations expressed the view that it was exclusively States, irrespective of their level of social, economic, scientific or technical development, that had an obligation to engage in regulatory activity associated with the use of nuclear power sources in outer space and to adapt national legislation to relevant

international standards. Those delegations were also of the view that Governments bore international responsibility for national activities involving the use of nuclear power sources in outer space conducted by governmental and non-governmental organizations and that such activities must be beneficial and not detrimental to humanity.

126. Some delegations called on the Legal Subcommittee to undertake a review of the Safety Framework and to promote binding standards with a view to ensuring that any activity conducted in outer space was governed by the principles of preservation of life and maintenance of peace.

127. Some delegations expressed the view that more attention should be paid to the legal issues associated with the use of satellite platforms with nuclear power sources in Earth orbits, including the geostationary orbit, in the light of reported failures and collisions which posed a high risk to humanity. Those delegations were also of the view that it was necessary to study in depth the use of such platforms, starting with an analysis of existing practices and regulations.

128. Some delegations expressed the view that there should be greater coordination and interaction between the Scientific and Technical Subcommittee and the Legal Subcommittee in order to promote the development of binding international standards to provide a legal framework for the use of nuclear power sources in outer space.

129. Some delegations expressed the view that the use of nuclear power sources in outer space must be as limited as possible, and should comply with international laws and regulations, particularly with the Outer Space Treaty, the Treaty on the Non-Proliferation of Nuclear Weapons and International Atomic Energy Agency safeguard agreements, conventions, protocols and standards, in order to ensure the safety, security and sustainability of space environments.

130. The view was expressed that the Principles Relevant to the Use of Nuclear Power Sources in Outer Space (General Assembly resolution 47/68) should be modified by deleting, from principle 3 (Guidelines and criteria for safe use), paragraphs 2 (a)(iii) and 3 (a), which referred to the use of nuclear reactors and radioisotope generators in Earth orbits.

131. The view was expressed that it was necessary not only to codify international law, but also to strengthen it and to review international instruments such as the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, with a view to adopting a binding instrument.

132. The view was expressed that the use of nuclear power sources in outer space should be allowed only in the case of deep space missions and only when other power sources have been considered and rejected.

IX. General exchange of information and views on legal mechanisms relating to space debris mitigation measures, taking into account the work of the Scientific and Technical Subcommittee

133. Pursuant to General Assembly resolution 68/75, the Subcommittee considered agenda item 11, entitled "General exchange of information and views on legal mechanisms relating to space debris mitigation measures, taking into account the work of the Scientific and Technical Subcommittee", as a single issue/item for discussion.

134. The representatives of Brazil, Canada, Chile, the Czech Republic, Germany, Japan, Mexico, the Netherlands, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 11. A statement was made by the representative of Chile on behalf of the Group of Latin American and Caribbean States. During the general exchange of views, statements relating to the item were also made by representatives of other member States. A statement was also made under the item by the observer for ESA.

135. The Subcommittee had before it conference room papers containing a compendium of space debris mitigation standards adopted by States and international organizations, submitted by Canada, the Czech Republic and Germany (A/AC.105/C.2/2014/CRP.15), and a contribution to the compendium by the United States (A/AC.105/C.2/2014/CRP.15/Add.1).

136. The Subcommittee recalled with satisfaction that the endorsement by the General Assembly, in its resolution 62/217, of the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space was an important step in providing all spacefaring nations with guidance on how to mitigate the problem of space debris.

137. The Subcommittee noted with satisfaction that some States were implementing space debris mitigation measures consistent with the Space Debris Mitigation Guidelines of the Committee and/or the Inter-Agency Space Debris Coordination Committee (IADC) space debris mitigation guidelines and that other States had developed their own space debris mitigation standards based on those guidelines. The Subcommittee also noted that some States were using the IADC space debris mitigation guidelines, the European Code of Conduct for Space Debris Mitigation and International Organization for Standardization (ISO) standard 24113:2011 (Space systems: space debris mitigation requirements) as references in their regulatory frameworks for national space activities.

138. The Subcommittee noted with satisfaction that some States had taken measures to incorporate internationally recognized guidelines and standards related to space debris into relevant provisions in their national legislation.

139. The Subcommittee noted that some States had strengthened their national mechanisms governing space debris mitigation through the nomination of governmental supervisory authorities, the involvement of academia and industry and the development of new legislative norms, instructions, standards and frameworks.

140. Some delegations expressed the view that the Subcommittee should undertake a legal analysis of the Space Debris Mitigation Guidelines of the Committee.

141. Some delegations expressed the view that the Subcommittee should aim to develop legally binding rules relating to space debris, including debris derived from space platforms with nuclear power sources on board, the collision of such objects with space debris and technology for monitoring space debris.

142. Some delegations expressed the view that the legally binding rules should take into account the historical responsibility of spacefaring nations for the problem and should neither limit access to outer space by developing countries with emerging space capabilities nor impose undue costs on the space programmes of those countries.

143. The view was expressed that the transformation of technical debris mitigation guidelines into a legally binding instrument was not necessary, as spacefaring nations were motivated to reduce space debris by their self-interest in preserving the safety and sustainability of space activities.

144. Some delegations expressed the view that the Legal Subcommittee and the Scientific and Technical Subcommittee should cooperate in developing binding rules for space debris mitigation.

145. Some delegations expressed the view that the removal of large pieces of debris was necessary to prevent the proliferation of space debris and that the legal issues related to active removal of space debris should be addressed.

146. Some delegations expressed the view that information on actions to reduce the creation of space debris should be made available to the Subcommittee, in particular by those States which were largely responsible for creating space debris and by the States that had the capacity to take action with regard to space debris mitigation.

147. The view was expressed that reporting on the status of implementation of the Space Debris Mitigation Guidelines of the Committee would contribute to improving transparency and developing confidence-building measures among States.

148. The view was expressed that it was important to pay attention to the problem of space debris not only in outer space, but also in cases of its uncontrolled return to the Earth's surface, and therefore to deepen corresponding international norms and standards in order to strengthen the safety of both people and the environment.

149. The view was expressed that, in order to foster and promote the sustainable development of nations, regulatory instruments on space debris, including the Space Debris Mitigation Guidelines of the Committee, should reflect the environmental policies incorporated in international treaties in order to protect the Earth's environment and biosphere and to ensure social, cultural and economic development in harmony with the environment.

150. The view was expressed that all relevant information related to the re-entry of space debris into the Earth's atmosphere should be reported diligently and expeditiously to countries that might be affected.

151. The view was expressed that entering into an agreement with the United States to share space situational awareness would facilitate the provision of such

information and services to governmental, intergovernmental and commercial entities so as to improve safety and sustainability for space flights.

152. Some delegations expressed the view that the outcome of the work of the Working Group on the Long-term Sustainability of Outer Space Activities of the Scientific and Technical Subcommittee and its expert groups to develop a set of technical guidelines could be integrated into the future work of the Legal Subcommittee.

153. The view was expressed that the voluntary draft guidelines dealing with space debris, space operations and tools to support collaborative space situational awareness, which would be included in the report of expert group B of the Working Group on the Long-term Sustainability of Outer Space Activities to be submitted by the expert group to the Working Group for its consideration, could serve as a basis for the development of normative standards to reduce the risk posed by space debris to space operations.

154. The Subcommittee noted with appreciation the development, by Canada, the Czech Republic and Germany, of a compendium of space debris mitigation standards adopted by States and international organizations, and requested those delegations to continue their work on the compendium with a view to increasing the number of States and international organizations included therein. The Subcommittee requested that the compendium be provided to the Secretariat prior to the fifty-seventh session of the Committee, in June 2014, so that it could be made available to the Committee at that session.

155. The Subcommittee requested the Secretariat to maintain the compendium thereafter on a dedicated page of its website.

156. The Subcommittee agreed that member States of the Committee and international intergovernmental organizations with permanent observer status with the Committee should be invited to provide or update the information on any legislation or standards adopted with regard to space debris mitigation, using the template provided for that purpose. The Subcommittee also agreed that all other Member States of the United Nations should be invited to contribute to the compendium, encouraging States with such regulations or standards to provide information on them. The updated compendium should be made available to the Subcommittee at its fifty-fourth session, in 2015.

X. General exchange of information on non-legally binding United Nations instruments on outer space

157. Pursuant to General Assembly resolution 68/75, the Subcommittee considered agenda item 12, entitled "General exchange of information on non-legally binding United Nations instruments on outer space", as a single issue/item for discussion.

158. The representatives of Brazil, China, Cuba, France, Germany, Italy, Japan, Mexico, the Netherlands, Nigeria, Portugal, the Republic of Korea, the Russian Federation, South Africa, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 12. During the general exchange of views, statements relating to the item were also made by representatives of other member States.

159. The Subcommittee recalled the objectives of the item, as contained in document A/AC.105/L.288.

160. The Subcommittee had before it a conference room paper prepared by Japan, entitled "General exchange of information on non-legally binding United Nations instruments on outer space" (A/AC.105/C.2/2014/CRP.29).

161. The Subcommittee heard a presentation entitled "Japanese contribution to the general exchange on non-legally binding United Nations instruments on outer space", by the representative of Japan.

162. The Subcommittee noted with satisfaction that some States had taken measures to implement internationally recognized guidelines, principles and standards through relevant provisions in their national legislation, and thus non-binding international norms had become binding in certain provisions of national legislation.

163. The view was expressed that existing non-legally binding United Nations instruments related to space activities had played an important role to complement and support the United Nations treaties on outer space and that they continued to play a significant role as an effective means to address emerging issues and served as a basis to ensure safe and sustainable use of outer space.

164. The view was expressed that the exchange of information under the agenda item would assist States in their deliberations and would shed light on and clarify the use of non-legally binding United Nations instruments on outer space.

165. Some delegations expressed the view that the exchange of information under the agenda item would clarify the goals, acceptability, applicability and effectiveness of non-legally binding instruments.

166. The view was expressed that the opportunity to exchange information under the item was especially welcome in view of the recommendation of the Group of Governmental Experts on Transparency and Confidence-Building Measures in Outer Space Activities that Member States should take measures to implement, to the greatest extent practicable, principles and guidelines endorsed on the basis of consensus by the Committee on the Peaceful Uses of Outer Space and the General Assembly (see A/68/189, para. 73).

167. The view was expressed that among the most important roles for international lawyers in facilitating successful international cooperation was identifying the optimal cooperative mechanism in any given case, including when a non-legally binding mechanism might actually facilitate the objectives of cooperation better than a treaty.

168. The view was expressed that concluding non-legally binding instruments on outer space under the framework of the United Nations would usefully complement the existing legal system of space law, representing an effort of the international community in regulating outer space activities and in promoting space law-making, and would thus be conducive to the harmonious, inclusive and long-term sustainable development of outer space activities in accordance with the law.

169. The view was expressed that given the nature of non-legally binding United Nations instruments on outer space, which in essence were composed of statements, recommendations, guidelines and principles and were aimed at promoting patterns of behaviour not based on strictly binding rules, they could not play an effective

role in ensuring sustainability of space activities. In that regard, the delegation expressing that view was also of the view that the Subcommittee should examine those norms in order to further develop binding norms and standards in space law.

170. The view was expressed that the discussion under the item should be focused on exchanges of information and experience by States on space "soft law" rules, and should avoid creating a negative impact on the will of countries to conclude and implement "soft law" rules. In that regard, the delegation expressing that view was also of the view that drafting and implementation of non-legally binding instruments on outer space should be carried out on the basis of existing United Nations treaties, principles and declarations on outer space, should take fully into account the need and interests of the developing countries, should not exceed countries' current capacity to develop space technologies or their level of management of space activities, and should not seek to introduce standards or requirements that were hard to implement. The delegation expressing that view was also of the view that the agenda item duplicated certain other agenda items of the Committee and its Subcommittees and the discussion under the agenda item should be carried out on the basis of existing consensus.

171. The view was expressed that in order to ensure safe, sustainable and secure space activities in the long term, there was a need to fill another legal lacuna in the international space law regime by paying particular attention in the Committee and the Subcommittee to the prevention of the arms race and deployment of any type of weapon in outer space as an important measure to conserve the peaceful use of outer space. The delegation expressing that view was also of the view that corresponding voluntary political declarations by States could form an efficient non-legally binding mechanism.

172. The view was expressed that the Subcommittee could find it relevant to consider under the item developments relating to best-practice instruments concerning outer space activities, such as the draft international code of conduct for outer space activities initiated by the European Union, the report of the Group of Governmental Experts on Transparency and Confidence-Building Measures in Outer Space Activities (A/68/189) and the work and recommendations under way in the Working Group on the Long-term Sustainability of Outer Space Activities of the Scientific and Technical Subcommittee.

173. Some delegations expressed the view that the sets of principles and guidelines adopted by the United Nations were not less important for the peaceful use of outer space than the treaties and international conventions, and that the Subcommittee should conduct a regular review of their acceptance and implementation by States and international intergovernmental organizations.

174. The view was expressed that consideration by the Subcommittee under the item should be given more to the exchange of views and legal analysis of non-legally binding instruments in order to promote the progressive development of space law.

XI. Review of international mechanisms for cooperation in the peaceful exploration and use of outer space

175. Pursuant to General Assembly resolution 68/75, the Subcommittee considered agenda item 13, entitled "Review of international mechanisms for cooperation in the peaceful exploration and use of outer space", as an item under its five-year workplan (see A/AC.105/1003, para. 179). In accordance with the workplan, for 2014 the Subcommittee continued to conduct an exchange of information on the range of existing international space cooperation mechanisms.

176. The representatives of Austria, Canada, China, France, Germany, Japan, Italy, Mexico, Spain and the United States made statements under agenda item 13. During the general exchange of views, statements relating to the item were also made by representatives of other member States.

177. At its 878th meeting, on 24 March, the Subcommittee established its Working Group on the Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space, under the chairmanship of Setsuko Aoki (Japan). At its 895th meeting, on 3 April 2014, the Subcommittee endorsed the report of the Chair of the Working Group contained in annex III to the present report.

178. The Subcommittee had before it the following documents:

(a) Note by the Secretariat on the review of international mechanisms for cooperation in the peaceful exploration and use of outer space, containing information received from Algeria, Germany and Kenya (A/AC.105/C.2/105), Argentina (A/AC.105/C.2/105/Add.1) and ILA (A/AC.105/C.2/105/Add.2);

(b) Conference room paper on space cooperation mechanisms in the Russian Federation, containing information received from the Russian Federation (A/AC.105/C.2/2014/CRP.23);

(c) Conference room paper on the review of international mechanisms for cooperation in the peaceful exploration and use of outer space, containing information received from Japan (A/AC.105/C.2/2014/CRP.24);

(d) Conference room paper containing a summary of international cooperative mechanisms utilized by Canada in the peaceful exploration and use of outer space (A/AC.105/C.2/2014/CRP.25);

(e) Conference room paper on the contribution of Turkey to the fifty-third session of the Legal Subcommittee (A/AC.105/C.2/2014/CRP.26);

(f) Conference room paper presented by ESA entitled "The European Space Agency as mechanism and actor of international cooperation" (A/AC.105/C.2/2014/CRP.28).

179. The Subcommittee heard a presentation entitled "International mechanism for cooperation in the peaceful exploration and use of outer space in the case of the Japan Aerospace Exploration Agency (JAXA)" by a representative of Japan.

180. The Subcommittee noted the breadth and diversity of the mechanisms utilized in space cooperation, including multilateral and bilateral legally binding agreements; non-legally binding arrangements, principles and technical guidelines;

multilateral coordination mechanisms through which space system operators coordinated the development of applications of space systems for the benefit of the environment, human security and welfare, and development; and a variety of international and regional forums, including the African Leadership Conference on Space Science and Technology for Sustainable Development, the Asia-Pacific Regional Space Agency Forum, APSCO, ESA and the Space Conference of the Americas.

181. The Subcommittee noted that the exchange of information on the review of international mechanisms for cooperation in space activities should focus not only on the legal aspects of those mechanisms but also on practical issues, such as the reasons behind the development of such mechanisms and the benefits for States that acceded to them.

182. The Subcommittee noted that the review of the mechanisms for cooperation in space activities would continue to assist States in understanding the different approaches to cooperation in space activities and would contribute to the further strengthening of international cooperation in the exploration and peaceful uses of outer space. In that regard, the Subcommittee recalled that 2017, the final year of consideration of the agenda item, according to its workplan, coincided with the fiftieth anniversary of the Outer Space Treaty.

183. Some delegations expressed the view that international cooperation in outer space activities should be based on the concept of inclusive development, bringing the benefits of space activities to all countries, irrespective of their level of economic development, in accordance with the Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States, Taking into Particular Account the Needs of Developing Countries, adopted by the General Assembly in its resolution 51/122.

184. The view was expressed that the international cooperation mechanisms of the space community should be extended to include partnerships with entities engaged in development assistance, thus strengthening the contribution of space technology and its applications to sustainable development goals and the post-2015 development agenda.

185. The view was expressed that the Subcommittee should play a positive role in fostering international cooperation so as to strengthen the design of the system of international cooperation and develop an effective and practical cooperative mechanism for the purpose of safeguarding peace, security and the rule of law in outer space.

186. The view was expressed that international initiatives for cooperation on specific aspects of the exploration and use of outer space, such as Earth observation and global navigation, were conceived for the purpose of uniting different space actors so as to maximize synergies, thereby fostering information-sharing and promoting the use of space applications and services also in developing countries.

187. Some delegations expressed the view that international cooperation would continue to be a necessary basis for dealing with new challenges, such as ensuring the long-term sustainability of space activities and promoting peace and security so as to enable the sustainable development of all countries.

XII. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fifty-fourth session

188. Pursuant to General Assembly resolution 68/75, the Subcommittee considered agenda item 14, entitled "Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fifty-fourth session", as a regular item on its agenda. Under the item, the Subcommittee also considered matters related to its organization of work.

189. The representatives of Algeria, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Cuba, the Czech Republic, Egypt, France, Germany, Italy, Japan, Kenya, Malaysia, Mexico, the Netherlands, Nigeria, Portugal, the Republic of Korea, the Russian Federation, South Africa, Switzerland, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 14. During the general exchange of views, statements relating to the item were also made by representatives of other member States.

190. The Subcommittee had before it the following:

(a) Working paper submitted by Germany entitled "Proposal for a renewal of the agenda structure and organization of work of the Legal Subcommittee" (A/AC.105/C.2/L.293 and Rev.1);

(b) Conference room paper submitted by Germany containing a revised version of the proposal contained in document A/AC.105/C.2/L.293/Rev.1, including explanatory information (A/AC.105/C.2/2014/CRP.30);

(c) Proposal submitted by Japan and supported by Austria, Canada, France, Nigeria and the United States entitled "New agenda item on general exchange of information on non-legally binding United Nations instruments on outer space" (A/AC.105/L.288).

A. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fifty-fourth session

191. The Subcommittee agreed that the two single issues/items for discussion, entitled "Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space" and "General exchange of information and views on legal mechanisms relating to space debris mitigation measures, taking into account the work of the Scientific and Technical Subcommittee", should be retained on the agenda of the Subcommittee at its fifty-fourth session.

192. The Subcommittee considered the continuation of the agenda item entitled "General exchange of information on non-legally binding United Nations instruments on outer space". In that regard, the Subcommittee had before it document A/AC.105/L.288 of 20 June 2013.

193. Some delegations expressed the view that retaining the item on the agenda as a single issue/item for discussion would increase knowledge about how States were

putting into practice the non-legally binding United Nations instruments on outer space activities, and that an exchange of information in that regard would be a useful tool for States when developing their national regulatory frameworks for outer space activities.

194. Some delegations expressed the view that a number of questions relating to the objectives, methodology, scope and outcome of the work under the item should first be further elaborated and clarified.

195. Some delegations expressed the view that broadening the scope of the agenda item beyond non-legally binding United Nations instruments would allow for a more comprehensive analysis of the wider range of non-legally binding instruments that addressed contemporary challenges in the peaceful exploration and use of outer space.

196. The Subcommittee agreed that the single issue/item for discussion entitled "General exchange of information on non-legally binding United Nations instruments on outer space" should be retained on the agenda of the Subcommittee at its fifty-fourth session, on the basis of document A/AC.105/L.288.

197. The Subcommittee also agreed that under that agenda item, member States could, as appropriate, discuss other non-legally binding instruments on outer space, as well as the relationship between legally binding and non-legally binding instruments.

198. The Subcommittee agreed on the following items to be proposed to the Committee for inclusion in the agenda of the Subcommittee at its fifty-fourth session:

Regular items

1. Adoption of the agenda.
2. Statement by the Chair.
3. General exchange of views.
4. Information on the activities of international intergovernmental and non-governmental organizations relating to space law.
5. Status and application of the five United Nations treaties on outer space.
6. Matters relating to:
   (a) The definition and delimitation of outer space;
   (b) The character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union.
7. National legislation relevant to the peaceful exploration and use of outer space.
8. Capacity-building in space law.

Single issues/items for discussion

9. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.

10. General exchange of information and views on legal mechanisms relating to space debris mitigation measures, taking into account the work of the Scientific and Technical Subcommittee.

11. General exchange of information on non-legally binding United Nations instruments on outer space.

Items considered under workplans

12. Review of international mechanisms for cooperation in the peaceful exploration and use of outer space.

(Work for 2015 as reflected in the multi-year workplan in the report of the Legal Subcommittee on its fifty-first session (A/AC.105/1003, para. 179))

New items

13. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fifty-fifth session.

199. The Subcommittee also agreed that the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space and the Working Group on Matters Relating to the Definition and Delimitation of Outer Space should be reconvened at its fifty-fourth session.

200. The Subcommittee further agreed to review, at its fifty-fourth session, the need to extend beyond that session the mandate of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space.

201. The Subcommittee agreed that IISL and ECSL should again be invited to organize a symposium, to be held during its fifty-fourth session, and noted that delegations wishing to propose topics for the symposium could do so directly to the organizers.

202. The Subcommittee noted that its fifty-fourth session had been tentatively scheduled to be held from 13 to 24 April 2015.

B. Organizational matters

203. The Subcommittee noted the proposal by Germany for the renewal of the structure of the agenda and organization of work of the Legal Subcommittee, as contained in documents A/AC.105/C.2/L.293 and Rev.1, and subsequently in document A/AC.105/C.2/2014/CRP.30.

204. Some delegations expressed the view that the role of the Legal Subcommittee as the principal international forum to promote and further develop space law should be maintained and enhanced.

205. Some delegations expressed the view that the proposal by Germany constituted a timely and constructive effort to simplify the structure of the Subcommittee's agenda and to make more efficient use of the sessions of the Subcommittee.

206. Some delegations expressed the view that the structure of the agenda of the Legal Subcommittee should remain unchanged.

207. Some delegations expressed the view that while the intention of the proposal by Germany was welcome, some elements of the proposal needed further clarification and elaboration before the new structure contained in the proposal could possibly be considered for further deliberations.

208. The view was expressed that the proposal by Germany should be seen as one suggestion for improving the organization and method of work of the Subcommittee, and that other options should also be explored.

209. In the discussion under the agenda item Germany was invited to continue carrying out open-ended consultations, making use of the opportunities provided by the sessions of the Committee in 2014 and the Scientific and Technical Subcommittee in 2015 in order to further elaborate on its proposal contained in document A/AC.105/C.2/2014/CRP.30 with a view to reaching a consensus on the proposal.

210. The view was expressed that issues relating to the effectiveness of the Subcommittee's work also related to the political will to address issues directly related to the matters dealt with by the Subcommittee.

211. Some delegations expressed the view that there should be increased synergy and cooperation between the Scientific and Technical Subcommittee and the Legal Subcommittee, in order to further enhance consistency in the work of the Committee and its Subcommittees and to further the understanding and application of existing legal instruments relating to space law.

212. Some delegations expressed the view that the Committee should establish rules of procedure, including reviewing its current practice of making decisions through consensus, and that, in that regard, the Secretariat should consult member States on the matter.

213. The Subcommittee noted with appreciation the demonstration by the Conference Management Service of the "VIC Online Services" portal, a new web-based application allowing meeting participants convenient access to documentation, meeting schedules and information about facilities and services available in the Vienna International Centre.

Annex I

Report of the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space

1. At its 878th meeting, on 24 March 2014, the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space reconvened its Working Group on the Status and Application of the Five United Nations Treaties on Outer Space under the chairmanship of Jean-François Mayence (Belgium).

2. The Working Group held 4 meetings, from 25 March to 3 April 2014. At the opening meeting, the Chair recalled the mandate of the Working Group (A/AC.105/942, annex I, paras. 4 and 6, and A/AC.105/990, annex I, para. 7).

3. The Chair also recalled that at its fifty-second session the Subcommittee had agreed to review, at its fifty-third session, the need to extend the mandate of the Working Group beyond the fifty-third session of the Subcommittee (A/AC.105/1045, para. 188).

4. The Working Group had before it the following:

(a) *United Nations Treaties and Principles on Outer Space, related General Assembly resolutions and other documents* (ST/SPACE/61/Rev.1);

(b) Conference room paper on the status of international agreements relating to activities in outer space as at 1 January 2014 (A/AC.105/C.2/2014/CRP.7);

(c) Note by the Secretariat containing a set of questions provided by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space (A/AC.105/C.2/2014/CRP.16);

(d) Note by the Secretariat containing responses to the set of questions provided by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space received from Germany (A/AC.105/C.2/2014/CRP.17) and the Russian Federation (A/AC.105/C.2/2014/CRP.18 and Corr.1);

(e) Note by the Secretariat containing the contribution of Turkey to the fifty-third session of the Legal Subcommittee (A/AC.105/C.2/2014/CRP.26);

(f) Conference room paper presenting an overview by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space on the responses from member States and permanent observers of the Committee to the set of questions provided by the Chair in document A/AC.105/C.2/2013/CRP.12 (A/AC.105/C.2/2014/CRP.22).

5. The Working Group noted that the questionnaire contained in conference room paper A/AC.105/C.2/2014/CRP.16 continued to provide a good basis for discussion, within the mandate of the Working Group, on matters relevant to the status and application of the five United Nations treaties on outer space.

6. During the discussion on the questionnaire and the responses received, the Working Group noted that its continued discussion would benefit from more written

contributions from member States and international intergovernmental and non-governmental organizations having permanent observer status with the Committee, in order for the Working Group to develop a collection of views for future consideration.

7. The Working Group agreed to broaden the set of questions in the questionnaire in the interests of promoting further discussions within the mandate of the Working Group, by adding a fourth question for consideration by member States regarding the relationship between the five United Nations treaties on outer space and customary international law. The updated questionnaire is attached to the present report of the Working Group as an appendix.

8. The Working Group noted that the questionnaire focused on essential questions of practical relevance and served to organize and rationalize the work of the Working Group. Even after the inclusion of the new question 4, the questions presented in the questionnaire were not exhaustive and should not serve to limit the discussion of the Working Group during the fifty-fourth session of the Subcommittee.

9. The Working Group agreed that the discussions on the questions in the questionnaire could benefit from the work conducted under other items on the agenda of the Subcommittee.

10. The Working Group agreed that States members of the Committee and international intergovernmental and non-governmental organizations having permanent observer status with the Committee should again be invited to provide comments and responses to the questionnaire. Any replies received would be made available in a conference room paper.

11. Some delegations reiterated the view that the Working Group should take a practical rather than a theoretical approach in discussing the provisions of the treaties.

12. The Working Group noted that a comprehensive discussion had taken place at its current session with respect to issues concerning the relationship between the United Nations treaties on outer space, their implementation and application, and the nature of several fundamental principles laid down in those treaties. The role of the Legal Subcommittee to provide a platform for exchange of information and views on reasons of States for acceding or not acceding to those treaties was emphasized.

13. The Working Group further noted that a discussion had taken place regarding the effect that non-binding instruments might have on the interpretation and application of provisions in the United Nations treaties on outer space.

14. The Working Group also noted that a discussion had taken place in which parallels had been drawn between concepts and principles in the United Nations treaties on outer space and similar concepts and principles found in various national legal systems, but that nevertheless the practical interpretation and application of the treaties would remain under international law.

15. The Working Group recommended that the Subcommittee, at its fifty-fourth session, in 2015, should reconvene the Working Group and review the need to extend the mandate of the Working Group beyond that session.

16. The Working Group agreed that the Chair of the Working Group, together with the Secretariat, should present to the Working Group at its next session, in 2015, an updated overview of the responses to the questionnaire, including a synthesis of views presented in writing and raised in the discussions during its sessions, to provide a basis for streamlining, broadening or tailoring the set of questions in the questionnaire in the interests of promoting further discussions within the mandate of the Working Group.

Appendix

Set of questions provided by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space

1. United Nations treaties on outer space and provisions related to the Moon and other celestial bodies

1.1 Do the provisions of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (Outer Space Treaty) constitute a sufficient legal framework for the use and exploration of the Moon and other celestial bodies?

1.2 What are the benefits of being a party to the Moon Agreement?

1.3 Which principles or provisions of the Moon Agreement should be clarified or amended in order to allow for wider adherence to it by States?

2. International responsibility and liability

2.1 Could the notion of "fault", as featured in articles III and IV of the Convention on International Liability for Damage Caused by Space Objects (Liability Convention), be used for sanctioning non-compliance by a State with the resolutions related to space activities adopted by the General Assembly or its subsidiary bodies, such as Assembly resolution 47/68 on the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, and the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space; in other words, could non-compliance with resolutions adopted by the General Assembly or with instruments adopted by its subsidiary bodies related to space activities be considered to constitute "fault" within the meaning of articles III and IV of the Liability Convention?

2.2 Could the notion of "damage", as featured in article I of the Liability Convention, be used to cover loss resulting from a manoeuvre, performed by an operational space object in order to avoid collision with a space object or space debris, not complying with the Space Debris Mitigation Guidelines of the Committee?

2.3 Are there specific aspects related to the implementation of international responsibility, as provided for in article VI of the Outer Space Treaty, in connection with General Assembly resolution 41/65 on the Principles Relating to Remote Sensing of the Earth from Outer Space?

3. Registration of space objects

3.1 Is there a legal basis to be found in the existing international legal framework applicable to space activities and space objects, in particular the provisions of the Outer Space Treaty and of the Convention on Registration of Objects Launched into Outer Space (Registration Convention), which would allow the transfer of the registration of a space object from one State to another during its operation in orbit?

3.2 How could a transfer of activities or ownership involving a space object during its operation in orbit from a company of the State of registry to a company of a foreign State, be handled in compliance with the existing international legal framework applicable to space activities and space objects?

3.3 What jurisdiction and control are exercised, as provided for in article VIII of the Outer Space Treaty, on a space object registered by an international intergovernmental organization in accordance with the provisions of the Registration Convention?

4. International customary law in outer space

4. Are there any provisions of the five United Nations treaties on outer space that could be considered as forming part of international customary law and, if yes, which ones? Could you explain on which legal and/or factual elements your answer is based?

Annex II

Report of the Chair of the Working Group on the Definition and Delimitation of Outer Space

1. At its 878th meeting, on 24 March 2014, the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space reconvened its Working Group on the Definition and Delimitation of Outer Space under the chairmanship of José Monserrat Filho (Brazil).

2. The Chair drew the attention of the Working Group to the fact that, pursuant to General Assembly resolution 68/75, the Working Group had been convened to consider only matters relating to the definition and delimitation of outer space.

3. The Working Group had before it the following:

(a) Note by the Secretariat on national legislation and practice relating to the definition and delimitation of outer space (A/AC.105/865/Add.14 and 15);

(b) Note by the Secretariat on questions on the definition and delimitation of outer space: replies from Member States (A/AC.105/889/Add.13 and 14);

(c) Note by the Secretariat on questions on suborbital flights for scientific missions and/or for human transportation (A/AC.105/1039/Add.2 and 3);

(d) Conference room paper on matters relating to the definition and delimitation of outer space: replies of the Russian Federation (A/AC.105/C.2/2014/CRP.6) and Uruguay (A/AC.105/C.2/2014/CRP.13);

(e) Conference room paper on the contribution of Turkey to the fifty-third session of the Legal Subcommittee (A/AC.105/C.2/2014/CRP.26);

(f) Conference room paper containing a summary of information on national practices and legislation of States with regard to the definition and delimitation of outer space (A/AC.105/C.2/2014/CRP.27).

4. The Chair gave a presentation, summarizing general information, views and theories on matters relating to the definition and delimitation of outer space that had emerged since the Subcommittee began its consideration of those matters in the 1960s.

5. The view was expressed that current and foreseeable civil aviation operations would not exceed altitudes of 100-130 km, where there was a potential danger of collision with numerous spacecraft. In that connection, the delegation expressing that view proposed that the boundary between airspace and outer space be established in that range.

6. Some delegations expressed the view that a functional approach would be efficient for determining the scope of application of air law and space law.

7. The view was expressed that there was no need to seek a legal definition or delimitation of outer space and that States should continue to operate under the current framework, which presented no practical difficulties, until such time as there was a demonstrated need and a practical basis for developing a definition or delimitation of outer space.

8. Some delegations expressed the view that it was necessary for the Subcommittee to address the issue of the definition and delimitation of outer space jointly with the International Civil Aviation Organization, which had also been addressing that matter.

9. The view was expressed that many provisions of the United Nations treaties on outer space addressed the situation where space activities were carried out in national or international air space and that, although the exercise by States of their sovereignty over their national air space could not hinder the freedom of exploration and use of outer space, the wording of the second paragraph of article I of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies could imply that access to outer space, despite being a necessary condition for exploring and using it, would not benefit from the same degree of freedom.

10. The view was expressed that in certain cases, an altitude-based criterion for delimitation could be considered, as it would provide for an objective element in order for an activity to qualify as a space activity. That could be the case, for instance, for sounding rockets that were not designed to place a payload in orbit but might nevertheless reach considerable altitude.

11. The view was expressed that it was necessary to acknowledge the coexistence of various forms of law that had resulted in multiple agreements and sources of law governing the same topic. With respect to air law and space law, the balancing of different rights and obligations contained within a single treaty or reconciling norms and procedures in multiple treaties governing the same topic and resolving conflicts across regimes required a practical approach that addressed the relative normativity or hierarchy arising from the determination of whether legal rules existed to govern instruments that traversed, moved in or used airspace and outer space. The approach should also decide whether priority should be given to a specific rule or interpretation among several that might be applicable to a legal matter or possible dispute. In that connection, the delegation that expressed that view was also of the view that such work would assist the determination of international priorities in areas of air law and space law that had developed independently of each other.

12. Some delegations expressed the view that, given the absence of consensus on the definition and delimitation of outer space, the Working Group could summarize the views and concepts that had emerged during its work over the years and present them as a report to the Subcommittee, with a view to the possible suspension of the Group's work until new developments in the exploration and use of outer space would justify the need for its definition and delimitation.

13. The view was expressed that the Working Group could consider the inclusion in future addenda to the summary of information on national practices and legislation of States relating to the definition and delimitation of outer space of regulation No. 388/2012 of 19 April 2012 of the European Parliament and the Council of the European Union, on setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items, which contained a definition of "space-qualified" as referring to "products designed, manufactured and tested to meet the special electrical, mechanical or environmental requirements for use in the launch and deployment of satellites or high-altitude flight systems operating at altitudes of 100 km or higher".

14. The Working Group heard a proposal from the Chair to define the term "space activities" with the objective of building a consensus, even a preliminary one, while temporarily putting aside the task of defining and delimiting outer space in order to concentrate on the task of defining space activities, which were one of the subjects of regulation by space law. The Working Group agreed to continue its discussion of the proposal at the next session of the Subcommittee, in 2015.

15. On the basis of its discussions, the Working Group agreed:

(a) To continue to invite States members of the Committee on the Peaceful Uses of Outer Space to submit information on national legislation or any national practices that might exist or were being developed that related directly or indirectly to the definition and/or delimitation of outer space and airspace;

(b) To continue to address to the Governments of Member States, through the Secretariat, the following questions:

(i) Does your Government consider it necessary to define outer space and/or to delimit airspace and outer space, given the current level of space and aviation activities and technological development in space and aviation technologies?

(ii) Does your Government consider another approach to solving this issue?

(iii) Does your Government give consideration to the possibility of defining a lower limit of outer space and/or an upper limit of airspace, recognizing at the same time the possibility of enacting special international or national legislation relating to a mission carried out by an object in both airspace and outer space?

(c) To continue to invite States Members of the United Nations and permanent observers of the Committee to provide their replies to the following questions:

(i) Is there a relationship between suborbital flights for scientific missions and/or for human transportation and the definition and delimitation of outer space?

(ii) Will the legal definition of suborbital flights for scientific missions and/or for human transportation be practically useful for States and other actors with regard to space activities?

(iii) How could suborbital flights for scientific missions and/or for human transportation be defined?

(iv) Which legislation applies or could be applied to suborbital flights for scientific missions and/or for human transportation?

(v) How will the legal definition of suborbital flights for scientific missions and/or for human transportation impact the progressive development of space law?

(vi) Please propose other questions to be considered in the framework of the legal definition of suborbital flights for scientific missions and/or for human transportation.

Annex III

Report of the Chair of the Working Group on the Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space

1. In accordance with General Assembly resolution 68/75, the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space, at its 878th meeting, on 24 March 2014, established a working group on agenda item 13, entitled "Review of international mechanisms for cooperation in the peaceful exploration and use of outer space". The Working Group on International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space was chaired by Setsuko Aoki (Japan).

2. The Working Group held 5 meetings, from 28 March to 3 April 2014. At the opening meeting, the Chair outlined the mandate of the Working Group under its multi-year workplan (A/AC.105/1003, para. 179).

3. The Working Group had before it the following:

(a) Note by the Secretariat on the review of international mechanisms for cooperation in the peaceful exploration and use of outer space, containing information received from Algeria, Germany and Kenya (A/AC.105/C.2/105), Argentina (A/AC.105/C.2/105/Add.1) and the International Law Association (A/AC.105/C.2/105/Add.2);

(b) Conference room paper on space cooperation mechanisms in the Russian Federation, containing information received from the Russian Federation (A/AC.105/C.2/2014/CRP.23);

(c) Conference room paper on the review of international mechanisms for cooperation in the peaceful exploration and use of outer space, containing information received from Japan (A/AC.105/C.2/2014/CRP.24);

(d) Conference room paper containing a summary of international cooperative mechanisms utilized by Canada in the peaceful exploration and use of outer space (A/AC.105/C.2/2014/CRP.25);

(e) Conference room paper containing the contribution of Turkey to the fifty-third session of the Legal Subcommittee (A/AC.105/C.2/2014/CRP.26);

(f) Conference room paper presented by the European Space Agency entitled "The European Space Agency as mechanism and actor of international cooperation" (A/AC.105/C.2/2014/CRP.28).

4. The Working Group also took into account in its deliberations the documents made available at the fifty-second session of the Subcommittee under this agenda item.

5. The Working Group also had before it a non-paper by the Chair containing a draft set of questions for its consideration.

6. At the first meeting of the Working Group, the Chair presented the draft set of questions, focusing on the need to identify a way to categorize mechanisms for

international cooperation, so as to allow the Working Group to develop an understanding of the range of collaborative mechanisms employed by States and international organizations and the circumstances in which States favoured certain types of mechanisms over others.

7. The Working Group noted that categorizing mechanisms for international cooperation would lead to a better understanding of the different approaches to cooperation in space activities taken by States and international organizations and that the findings would assist the Working Group in identifying what types of mechanisms were being used and their legal content. An analysis of the findings would allow the Working Group to consider how its work could contribute to the further strengthening of international cooperation in the peaceful exploration and use of outer space.

8. The Working Group considered in detail the draft set of questions presented by the Chair and noted that these constituted a tool to enable the Working Group to meet its objectives under its multi-year workplan. The agreed set of questions is presented in paragraph 10 below.

9. The Working Group agreed that States members of the Committee on the Peaceful Uses of Outer Space and international intergovernmental and non-governmental organizations having permanent observer status with the Committee should again be invited by the Secretariat to provide examples and information on the mechanisms for international cooperation they utilized for space cooperation.

10. The Working Group encouraged States members of the Committee and permanent observers to the Committee to refer to the following set of questions, as appropriate and on a voluntary basis, for guidance on their contributions to the work of the Working Group:

1. What is the main area of your cooperation (e.g., space exploration, scientific research, testing, education and personnel training, global navigation, disaster management through remote sensing, commercial launch services, etc.)?

2. Is this multilateral or bilateral cooperation (e.g., intergovernmental cooperation, inter-agency cooperation, cooperation between non-governmental entities, mixed cooperation, etc.)?

3. What is the duration of the cooperation?

4. Does a national space agency play a key role in the cooperation?

5. Does a national authority or institution other than a space agency play an important role in the cooperation (e.g., a scientific institution, meteorological agency, development or financial assistance authority, etc.)?

6. Are private companies or industries directly involved in the cooperation?

7. Is the cooperation conducted within the framework of:

(a) The United Nations and its specialized agencies;

(b) Independent intergovernmental organizations;

(c) Regional or interregional space cooperation organizations or mechanisms;

(d) Non-governmental organizations;

(e) Other types of forums?

8. Is the cooperative mechanism multilateral or bilateral?

9. Is the cooperative mechanism:

(a) A legally binding agreement;

(b) A non-legally binding arrangement (if so what kind of arrangement);

(c) A combination of both?

10. Is the cooperative mechanism constituted by a framework agreement, either multilateral or bilateral, and is it accompanied by an implementing agreement or arrangement and/or a memorandum of understanding for technical cooperation and coordination within the cooperation?

11. What kinds of provisions do the legally binding agreement and/or non-legally binding arrangement contain? The following types of provisions serve as examples and may be referred to, as appropriate:

(a) Best effort clauses;

(b) Jurisdiction clauses;

(c) Financial arrangements or no exchange of funds;

(d) Exchange of technical data and goods;

(e) Provisions which pursue international responsibility and liability;

(f) Cross waiver of liability;

(g) Rules on intellectual property rights and ownership;

(h) Peaceful settlement of disputes clause;

(i) Other types of provision?

12. Is it clearly provided for in the legally binding agreement or non-legally binding arrangement that the operation of the project shall be conducted in accordance with the United Nations treaties on outer space and in consideration of principles on outer space and related General Assembly resolutions (resolutions on the concept of the launching State, registration practice, national legislation, etc.)?